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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,710	01/16/2001	Konstantinos Poulakis	41145	7776

7590 02/06/2002

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EXAMINER

RHEE, JANE J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 02/06/2002

3

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/743,710	POULAKIS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jane J Rhee	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 8 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 2-3 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. "SU-9152 (Firma Stahl)" does not enable one skilled in the art to make and/or use the invention. Clarification and/or correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The term "thin" in claim 5 is a relative term which renders the claim indefinite. The term "thin" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Regarding claims 7 and 8, the phrase "can be" should be replaced by "is".

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 1, 6-7 are rejected under 35 U.S.C. 102(b) as being unpatentable by Billarant (5654070).

Billarant discloses a method for producing a foam body part, especially a foam padding element provided for a vehicle seat, which is provided with at least one adhesive closing part with adhering elements, and the adhesive closing part is arranged in a foaming mold producing the foam body part in such a manner that the adhering elements are protected against penetration of foam by a foam-inhibiting covering, which is arranged on the side of the adhesive closing part opposite the adhering elements arranged with a predetermined border width overlapping the surface area of the adhering elements and is brought into detachable contact at least with parts of the foaming mold by means of a magnetic holding device, and the covering is provided with a ferromagnetic coating and at least one permanent magnet is provided on the foaming mold, characterized in that the covering is provided with a ferromagnetic coating and that permanent magnets are used on the foaming mold in such a layered arrangement that they cooperate with the borders of the covering overlapping the surface area of the adhering elements (col. 5 lines 14-18, 43-48, col. 6 lines 21-34 figure 1, 4, 5).

The view presented by the applicant in the specification introduction, in which as opposed to the object Claim 1, the covering according to Billarant has no ferromagnetic component parts cannot be shared for the following reasons. The sealing strips 19 and 20 according to Billarant adhered together with the side borders 12 and 13 of the

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covering form one unit with them and therefore must also be seen as one component part of the covering. Since these sealing strips are configured as a ferromagnetic layer, they represent a ferromagnetic coating of the covering.

Billarant discloses a method characterized in that the adhering elements are held in recess of the foaming mold and that the covering is arranged with the predetermined border width overlapping the recess (see figure 5). Billarant discloses that the formation of foam body parts with adhesive closing parts arranged recessed therein a blowhole or channel formation is carried out with mold parts having the recess which as an entirely can be inserted in the foaming mold on which are arranged permanent magnets forming that part of the holding device, so that the borders of the covering element overlapping the recess are held thereon during the foaming process to inhibit foaming (col. 6 line 21-34 and figure 5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Billarant in view of applicant's admitted prior art and in further view of Provost et al. (WO 86/03164).

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Billarant discloses a method for producing a foam body as described above in which the covering is provided with a ferromagnetic coating. Billarant discloses that the closing element is connected by adhesive layer with the adhesive closing part (col. 5 line 45). Billarant fails to disclose the use of polyurethane as ferromagnetic coating with the addition of Fe particles. Applicant's admitted prior art discloses that the specific polyurethane, (SU-9182) contains mixed in Fe particles. Provost et al. teaches that polyurethane is well known in the art as an adhesive (pg 3 line 32).

Therefore it would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to have used in Billarant and applicant's admitted prior art with polyurethane as ferromagnetic coating with addition of Fe particles to connect the covering element with the adhesive closing part as taught by Provost et al. because Provost et al. teaches that polyurethane is well known as an adhesive (pg 3 line 32).

### ***Allowable Subject Matter***

6. Claims 5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also, if the 112 rejections were all revised. The additional features defined in the dependent claims 5 and 8 relate to the use of fleece or felt being laminated on for a good binding with the foam material. Such

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measure appears from the present state of the art and the knowledge of the person in the art not to be derivable without further information.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-301-9999 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Jane Rhee  
February 4, 2002

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772 2/4/02